

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2493**

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**Introduced by Assembly Member Villines ~~Members Cogdill and Villines~~**

February 23, 2006

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~~An act to amend Section 1771 of the Labor Code, relating to prevailing wages.~~ *An act to amend Section 631 of the Unemployment Insurance Code, relating to the Employment Development Department.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2493, as amended, ~~Villines~~ *Cogdill*. ~~Prevailing wages.~~ *Employment Development Department: study.*

*Existing law provides that, for purposes of unemployment compensation, "employment" does not include services performed by specified family members for other specified family members.*

*This bill would require the Employment Development Department to study family farming in the state and to report its findings to the Legislature on or before January 1, 2008, as provided.*

~~Existing law generally requires the payment of the prevailing rate of per diem wages and the prevailing rate for holiday and overtime work to employees employed on a public work, as defined, that costs more than \$1,000.~~

~~This bill would make technical, nonsubstantive changes to this requirement.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 631 of the Unemployment Insurance*  
2     *Code is amended to read:*

3     631. (a) "Employment" does not include service performed  
4     by a child under the age of 18 years in the employ of his father or  
5     mother, or service performed by an individual in the employ of  
6     his son, daughter, or spouse, except to the extent that the  
7     employer and the employee have, pursuant to Section 702.5,  
8     elected to make contributions to the Unemployment  
9     Compensation Disability Fund.

10    (b) *On or before January 1, 2008, the Employment*  
11    *Development Department shall conduct a study and prepare a*  
12    *report for the Legislature regarding family farming in the state.*  
13    *This report shall describe both of the following:*

14    (1) *The number of farms in the state that are wholly owned by*  
15    *members of an individual family.*

16    (2) *The number of family members employed on the farms*  
17    *described in paragraph (1) and their familial relationship to the*  
18    *owner of the farm.*

19    ~~SECTION 1. Section 1771 of the Labor Code is amended to~~  
20    ~~read:~~

21    ~~1771. (a) Except for public works projects of one thousand~~  
22    ~~dollars (\$1,000) or less, not less than the general prevailing rate~~  
23    ~~of per diem wages for work of a similar character in the locality~~  
24    ~~in which the public work is performed, and not less than the~~  
25    ~~general prevailing rate of per diem wages for holiday and~~  
26    ~~overtime work fixed as provided in this chapter, shall be paid to~~  
27    ~~all workers employed on public works.~~

28    ~~(b) This section applies only to work performed under~~  
29    ~~contract, and is not applicable to work carried out by a public~~  
30    ~~agency with its own forces. This section applies to contracts let~~  
31    ~~for maintenance work.~~